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License Nos. CP00877 and R035374.

AGREED UPON DISPOSITION
FOR LETTER OF REPRIMAND
AND WAIVER OF HEARING

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WHEREAS, Julie Cox ("Licensee"), is licensed to practice as a registered nurse and certified nurse practitioner in the State of South Dakota and holds License numbers CP00877 and R0353742;

WHEREAS, the South Dakota Board of Nursing ("Board") had discussions initiated by Licensee regarding a potential practice issue at a private clinic in July of 2020, and in September of 2020 received a related complaint alleging Licensee engaged in either an unsafe nursing practice, substandard care, or unprofessional or dishonorable conduct in violation of SDCL 36-9A-29 (9);

WHEREAS, the Board has a statutory obligation to protect the public health, safety and welfare as set forth in SDCL 36-9-1.1, including the protection of the public from unsafe nursing practices;

WHEREAS, the Licensee and the Board have agreed to resolve this complaint in the manner set forth in this agreed-upon disposition and waiver of hearing pursuant to ARSD 20:48:08:12(3); and

WHEREAS, it is the intent of this agreement to provide for a disposition of the licensing issues presented by the Licensee's conduct, in a professional manner, without the necessity of further hearings and proceedings herein, and to provide for a responsible resolution.

NOW, THEREFORE, it is hereby stipulated and agreed as follows:

1. That the Board has jurisdiction over the person of the Licensee and the subject matter of this Order.

2. The Board asserts Licensee engaged in either an unsafe nursing practice, substandard care, or unprofessional or dishonorable conduct in violation of SDCL 36-9A-29 (9), when she signed blank prescription forms and made them available for use.

3. Licensee admits that Licensee participated in a long-standing practice at a clinic where she provided services on a limited part-time basis, of pre-signing blank prescription forms to be used only to initiate refills for controlled substances for known patients. According to Licensee, the practice involved known patients with whom an ongoing relationship existed and who had a documented need for ongoing prescription refills. Also pursuant to Licensee, the practice did not involve prescriptions of any type for new patients, nor did it involve current patients getting new or different prescriptions of any type. The facility had a chart review process in place relating to this practice to confirm the existing patient received the appropriate prescription refill. The Board has no evidence indicating that Licensee's admissions in this paragraph are untrue or are misrepresentations of the situation.

4. Licensee and the Board agree there is no evidence or allegation that any patient received an incorrect or improper prescription or dosage amount, or was harmed in any way, and

there is no allegation or evidence that any of the pre-signed scripts were used for diversion by any of the nursing staff or for any other improper purpose.

5. Licensee has voluntarily and affirmatively sought APRN continuing education on the topic of Safe and Effective Prescription practices relating to controlled substances which has been completed. The Licensee took these steps without any request or requirement from the Board.

6. The Board and Licensee agree to enter into this Agreed Upon Disposition, without the need for further investigation or hearing to resolve any factual discrepancies. Licensee does not, through this Agreed Upon Disposition, admit to any allegations except those specifically admitted above in paragraph three.

7. The Licensee recognizes that this matter is of a nature that could constitute grounds for discipline of Licensee's license to practice as a nurse in the State of South Dakota under SDCL § 36-9A-29(9).

8. Licensee understands that Licensee has a right to a contested case hearing pursuant to SDCL Ch. 1-26 regarding this matter and that such rights under SDCL Ch. 1-26 include, but are not limited to, the right to be present at the contested case hearing, the right to be represented by legal counsel, to introduce evidence, and testimony on Licensee's behalf, to call witnesses, to cross examine witnesses, and to inspect all documentary evidence submitted to the Board and to appeal the Board's decision to the South Dakota Circuit Court and Supreme Court as provided by law.

9. By entering into this agreed-upon disposition with the Board, the Licensee hereby knowingly and voluntarily waives the above rights.

10. Licensee has been given the opportunity to discuss this agreed-upon disposition with an attorney of Licensee's choice and is aware of Licensee's rights as outlined above. Licensee

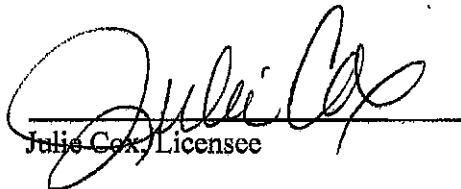
hereby voluntarily waives all such rights to a hearing, notice, appearance, or other rights. Licensee is entering into this agreed-upon disposition voluntarily and without duress or compulsion.

11. The Board and the Licensee hereby agree that this matter will be resolved by the issuance of a Letter of Reprimand adopting this Agreed Upon Disposition.

12. Licensee understands that this is final action and is reportable discipline which will be published in the Board's newsletter, posted on its website, and reported into the National Practitioner Data Bank (NPDB) as required by law. As this is a reportable discipline, Licensee is required to provide an affirmative response to inquiries of disciplinary action on further renewals and other nursing related inquiries.

NOW, THEREFORE, the foregoing Agreed Upon Disposition for Letter of Reprimand and Waiver of Hearing is entered into and is respectfully submitted to the Board with the request that the Board adopt its terms as an Order of the Board in the above matter.

Dated this 9 day of August, 2021.


Julie Cox, Licensee

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LETTER OF REPRIMAND

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Dated this 11th day of August, 2021.

Linda Young
Linda Young, RN, MS, FRE
Executive Director